

# **REMARKS**

## **I. LETTER TO THE EXAMINER DATED JULY 13, 2007**

A 'Letter to the Examiner' dated July 13, 2007 was filed in the U.S. Patent Office on July 16, 2007 according to Public PAIR. A certified English translation of DE 102 27 238.7, the priority document for the claims of the above-identified U.S. Patent Application, accompanied the 'Letter to the Examiner' and also was filed in the U.S. Patent Office on July 16, 2007 according to Public PAIR.

Since the latest Office Action issued on June 27, 2007, the aforesaid 'Letter to the Examiner' and certified English translation were not considered when the Office Action was prepared.

## **II. ANTICIPATION REJECTION**

Claims 13 to 17, 19 to 24, and 27 to 33 were rejected as anticipated under 35 U.S.C. 102 (a) by Masato Yoshioka, et al (JP 2003-104847 – referred to as JP '847 in the following remarks). The basis for the rejection is the provided English translation of JP '847).

A certified English translation of DE 102 27 238.7, which is the German priority document for the above-identified U.S. National Stage Application, accompanied the Letter to the Examiner filed on July 16, 2007 in the U.S. Patent

Office. This certified English translation has been filed to show that the claims filed in the amendment dated June 7, 2007 are entitled to the benefit of the priority date, namely June 18, 2002, which is the filing date of DE '238.7 in Germany.

JP '847 has a publication date of April 9, 2003 according to the English translation of this JP reference. However the claims of the U.S. National Stage application are entitled to the benefit of the priority date of the German Priority document, namely DE 102 27 238.7, filed June 18, 2002 in Germany. This filing date of this DE priority document is almost a year earlier than the publication date of JP '847.

Thus JP '847 is **not** a valid prior art reference that can be used to reject the claims of the present U.S. National Stage application under 35 U.S.C. 102 or 103.

For the foregoing reasons withdrawal of the rejection of claims 13 to 17, 19 to 24, and 27 to 33 as anticipated under 35 U.S.C. 102 (a) by Masato Yoshioka, et al, JP '847, is respectfully requested.

### **III. ALLOWED CLAIMS**

Claims 18 and 25 to 26 have been allowed according to paragraph 4 of the Office Action.

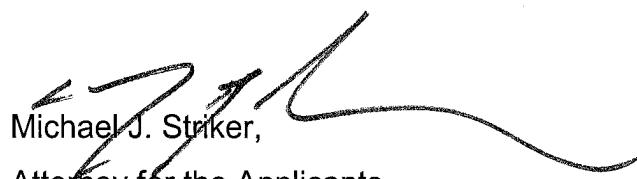
#### IV. POSSIBLE INTERFERENCE

Identification of any prior art application or patent that can be the basis for an interference is respectfully requested.

Should the Examiner require or consider it advisable that the specification, claims and/or drawing be further amended or corrected in formal respects to put this case in condition for final allowance, then it is requested that such amendments or corrections be carried out by Examiner's Amendment and the case passed to issue. Alternatively, should the Examiner feel that a personal discussion might be helpful in advancing the case to allowance, he or she is invited to telephone the undersigned at 1-631-549 4700.

In view of the foregoing, favorable allowance is respectfully solicited.

Respectfully submitted,

  
Michael J. Striker,

Attorney for the Applicants

Reg. No. 27,233